



Salisbury Conservation Commission
June 3, 2015
Colchester Auditorium, Town Hall
5 Beach Road
Salisbury, MA 01952
7:00 P.M.

COMMISSIONER MEMBERS PRESENT: Chairman Sheila Albertelli (SA), Matt Carignan (MC), Joanne Perreault (JP) and Jane Purinton (JKP), David Arel (DA), Jennifer Troisi (JT)

COMMISSIONER MEMBERS ABSENT: Andria Nemoda

ALSO PRESENT: Michelle Rowden, Conservation Agent, Lori Robertson, Secretary

S. Albertelli opened the meeting at 7:10 pm under the Wetlands Protection Act & Open Meeting Law and informed the public that the meeting is being recorded.

Reorganization:

Chair-JP nominated Sheila Albertelli as Chairperson. Seconded by JT. All members present voted in favor. Motion Passed.

Vice Chair-JKP nominated Joanne Perreault as Vice Chairperson. Seconded by JT. All members present voted in favor. Motion Passed.

Clerk-JT nominated Jennifer Troisi for clerk. Seconded by Sheila Albertelli. All members present voted in favor. Motion Passed.

MINUTES:
May 6, 2015

MC motions to accept the minutes of the May 6, 2015 meeting. **JP** seconded the motion. Vote on motion 5 - 0. **Motion Passed.**

PUBLIC HEARINGS at 7:15 pm:

NOI: Pines Camping Area, 28 CCC Road: Mike Erboniks (ME) of Wetland Preservation addressed the board on behalf of the applicant. The camping area consist of 58 acres of land. The parcel is bounded by salt marsh. We are here tonight for the operations, maintenance and management procedures for the campground. The first is **Vegetative Management:** *A routine task associated with management of the camping area is the regular maintenance of vegetation associated with campsites within the 100' buffer zone to wetland resource areas. Colonizing and encroaching vegetation can potentially reduce the open/useable areas of the roads, common areas and campsites and in some cases can present safety hazards to campers. Generally these vegetation issues are not in the wetland areas, but on occasion, a dead tree or limb becomes problem of safety and must be removed. Such pruning of vegetation to maintain campsites, roads and common areas shall be allowed to proceed without notification of the SCC administrator.* **Tree Management:** *The applicant proposes that campground staff contact the SCC for Verbal authorization for the management of any maintenance activity that would require cutting of three (3) or more trees within the 100' buffer.* **Invasive Species Management:** *The applicant requests the ability to manually manage the invasive species common read (phragmites) using hand tools only within the salt marsh without prior approval of the SCC.* **Leaf and Woody Debris Management:** The applicant proposes that in the future, leaves from the property be collected in the spring and fall from the camp sites and disposed of offsite at an appropriate disposal location for compost production. **Existing Structure/Proposal Structure Management:** In regards to structures which are defined as campers/trailers, sheds, decks, porches, tables and stockpiled materials, the applicant proposes a signed a 5-foot setback from all wetland resources area boundaries for new semi-permanent structures. **Existing**

Structures Management: Semi-permanent structures currently located within this 5-foot setback area are proposed to be allowed to stay in place until their current leases expire, after which the structures will be moved a minimum of 5-feet back from the boundary of the adjacent wetland resource area. Additionally, each campsite that contains a boundary of wetland resource area will contain a sign attached to a post indicating that no structures area allowed within 5-feet. Vegetation can be pruned within this setback limit. An exception to this structure setback is the possible installation of poles for the installation of TV dishes so as to allow removal of all dishes from the marsh area while assuring reasonable access to reception.

JP asked who is responsible for taking care of the dumpsters. **ME** stated the campground. **SA** questioned whether 5' was far enough away from the buffer area. I think a site walk should be done to look at each individual site. She asked who came up with the calculation. **ME** stated we did. **DA** asked if the leases were set up individually? Mr. Bill Bartlett (**BB**) addressed the board. He stated year to year. **JKP** asked what will happen with the stalks from the phragmites after they are cut. **ME** stated my maintenance procedure would be cut and put in trash bags. **MC** asked about the satellite dishes outside of the buffer zone. **ME** stated there is a pole in the buffer zone. **SA** and **DA** discussed with **BB** about digging the cables into the ground. The wires would not be a good idea running through the trees and over the grounds. **BB** stated too much money to dig in cables. He felt that it would hurt the land more digging throughout the campsite to bury the cables. **SA** asked how many satellite dishes are there. **BB** stated 30-40.

No abutters present.

MC motioned to continue NOI: Pines Camping Area, 28 CCC Road until June 17, 2015 at 7:10 pm. to allow for site visit by the Commission. **JT** seconded the motion. All members present voted in favor. **Motion Passed.**

RDA: Frederick Murdock, 503 North End Blvd.: Ronald Laffely of Fulcrum Architects addressed the board on behalf of the applicant. We are looking to modify northern entry by removing door, landing facing North End Blvd. and constructing an interior stair to existing grade under building. A new entry door would open into the carport area. If we get plowed in there will be a second means of egress out of the house. Since I filed this, the applicant would like to keep the staircase there. The second part of the RDA is to have a second floor deck off of the living room. All work will be on existing piles except for a small area under the building to put two steps up to get you up to grade where the cars are located. We did have a superseding Order of Conditions on this property but have maintained communication with the commission agent.

No abutters present.

JP motioned to issue a negative determination for 503 North End Blvd. **JT** seconded the motion. Vote on motion 5 – 1 (MC abstained). **Motion Passed.**

MC stepped down.

NOI: Ronald and Sally Laffely, 473 North End Blvd.: Ronald Laffely (**RL**) of Fulcrum Architects addressed the board. We would like to enclose the entry way. We will be enclosing the top deck above to create a music room. The first floor there is a large guest room sweet. We are dividing the room into two and adding 14' out from the bay window to allow two bedrooms. This allows a flat roof above with a deck. The installation of the pier will be with a small lawn tractor/small backhoe. The landscaping a red cedar, silky dogwood and beach plum shrub will be protected by transplanting the shrubs outside of the construction barrier. Two additional shrubs of each type will be planted in the case the original plant fails to survive.

SA asked if DEP had comments. **MR** stated no. **RL** stated I sat down with the three adjacent abutters. **SA** asked about erosion control. **RL** stated I like to use wooden snow fencing.

No abutters present.

JP motioned to issue an Order of Conditions to Ronald and Sally Laffely, 473 North End Blvd. **JKP** seconded the motion. All members present voted in favor. **Motion Passed.**

Request for Significance of change, 54 Beach Road: **SA** stated the applicant is looking for a continuance until the next meeting.

MC motioned to continue the request for significance of change, 54 Beach Road to the June 17, 2015 meeting at 7:10 pm. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

Request for Significance of Change, 233 Beach Road: **SA** stated the applicant is looking for a continuance until the June 17, 2015 meeting.

JP motioned to continue to the request for significance of change, 233 Beach Road until June 17, 2015 at 7:10 pm. **MC** seconded the motion. All members present voted in favor. **Motion Passed.**

Request for Certificate of Compliance, 18 Liberty Street. **JKP** volunteered to do the site visit.

Request for Certificate of Compliance, 130 Railroad Avenue: **JT** volunteered to do the site visit.

Salisbury Woods-MR recommended issuing a Certificate of Compliance and lifting the enforcement order.

JP motioned to issue a Certificate of Compliance for Salisbury Woods. **JT** seconded the motion. All members present voted in favor. **Motion Passed.**

MC motioned to lift the enforcement order of Salisbury Woods. **JP** seconded the motion. All members present voted in favor. **Motion Passed.**

2 Broadway-No action

44 Lafayette Road-no action

100 Elm Street-no action

28 CCC Road-submitted NOI.

20 Forest Road-no action

126 N. End Blvd.-no action

7 Elmwood Street-no action

13 Commonwealth Avenue-no action

JT stepped down

6 18th St W-Atty. Paul Haggerity (PH) addressed the board on behalf of the applicants. The enforcement order states that work was done to enclose and create living space below the flood elevation. The first problem is identifying what was in the order of conditions. It is my understanding the Order of Conditions cannot be found. Back in 1992 the owner had a handicap and needed the elevator which was constructed in the house at that time which doesn't appear on the plan. These improvements were in place after my clients bought the property back in 2003. There is a provision in the wetland preservation act that states *Any person who purchases, inherits or otherwise acquires real estate upon which work has been done violation of the provisions of or in violation of any order issued under this section shall forthwith comply with any such order or restore such real estate to its condition prior to any such any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three years following the recording of deed or the date of the death which such real estate was acquired by such person.* The Azzizs purchased the property in 2003 so that means it would have expired in 2006. He passed in an affidavit from Marie Welch the prior owner (she still resides at the property-she obtained a life estate). She is stating that the area was enclosed at the time of sale. We also have affidavits from Charles Takesian and Joan McGilvary stating as far as they have known it has been enclosed before they

purchased the property. Tom Hughes (TH) of Hughes Environmental Consulting addressed the board on behalf of the applicants. He passed out a page from the DEP Wetland Enforcement Manual. (Went over pictures from the 90's). My client is willing to remove the closet door. We are asking the commission to rescind the old enforcement order or amend the enforcement order just removing the closet. Showed easement plan showing the closeness of the neighborhood. **SA** stated there is no Order of Conditions in the file. The Order of Conditions wasn't filed at the Registry. There is a plan showing in 1992 an elevated home on pilings. **JKP** asked how this issue came before us? **MR** stated by the Building Inspector. **MC** asked why would French doors go in to an open space. **TH** stated since the commission doesn't deal with interior work. (went over details of interior). **JKP** asked if the people who signed the affidavit have been full time residents. **MC** stated no, one was but the other wasn't. **TH** stated we can get other affidavits. **SA** stated she would be interested in hearing from Ray Champagne who did the work. **DA** asked if the building permit process could be gone over. There was a filing in 1992 for an elevated home on pilings. A building permit was issued in July of 1992 and signed by the Chair of the CC at the time and so one assumes that the OOC was issued. **PH** stated there is a lack of definitive records for that period of time. **JP** asked when was the lower level finished? **MR** stated no one can prove that. **PH** stated we are in the process of resolving this with the Building Inspector. The French doors were done by my clients. **MC** stated I don't think we can hold anyone accountable for something that was done before they purchased the property. **JKP** stated this was done a long time. **MR** stated we don't really know if it was done a long time ago. **MR** stated the building inspector believes he can prove that the work done downstairs was done separately from the house. It certainly wasn't done by the original contractor due to the type of materials used. There is gravel under the entire ground level. Why would gravel be used if you are going to enclose it and finish it? **PH** stated there are no records. **JP** stated I would feel more comfortable making a decision on this after the issues with the building inspector have been resolved. Discussion about photos again. **DA** asked was there a prior relationship with the current owners and Marie Welch? **PH** stated neighbors. **DA** asked any prior knowledge of what was going on with the property. **TH** stated they moved in five years after the house was built. **MC** stated they must have had knowledge of what it looked like before. **TH** stated their knowledge is that it was always enclosed. **TH** stated the applicants did offer to pay for Town Counsel review. **MR** did try to get that authorized but that request was not approved. **MR** stated everything I see points to an illegal enclosure. The problem is we don't have an Order of Conditions.

DA motioned to lift the enforcement order for 6 18th Street West with acceptance of applicant's offer to remove structural additions, walls as been described. **MC** seconded the motion. Vote on motion 4 in favor 1 opposed (JP). **Motion Passed.**

95R Lafayette Road- Applicant-described the use and description of the property. A crane got stuck in our property next to a 70 volt conduit next to it. After digging out the crane we found that the pipe was cracked. We put a rubber mat down. I said run a new pipe across there. I sit in on all the hearings for DEP they had a bill that they passed. If there is a road coming in there and you are using it for access to solar. You can do it. If you have a road going through for your greenhouses then it becomes a highway. It's open to the public. These were promagated in October. You don't have to file anything to repair that. We did not backfill the trench. The pipe is 17" below the ground. As soon as we opened it up the water rushed in there. We put a 10" drain. Discussion about piping and the materials used. This exempts wetlands filings for minor activities in buffer zones wetland resource areas solely for highway safety operation, maintenance work and utility installation work. This replaces 310 CMR 10022B simplified review that expires in 2008. **MR** stated this is not a public road. Applicant, Bill Trainor (BT) stated we are making it a public road. You do not fall under this exemption. The next exemption states allows for a limit project option construction of a new access roadway or repair or replacement of an existing access roadway to transport equipment, renewable energy project sites through inland uses in certain coastal resource areas. **MR** stated that allows you to apply through a Notice of Intent. **MR** stated the plan that was approved by the Conservation Commission has pavement up until the point where the pavement ends today and the rest is gravel. **MR** stated a summary of what happened. The town was approached by C and G to do solar. Attempted to do some

zoning. From the beginning I have told them that there was wetlands on the property. If you are going to do work within 100' or 200' of a riverfront needs to come before the commission. They started doing work, removing rocks from the wetlands. That was okay since they were removing things from the wetlands not using heavy equipment. There is back and forth between C&G and Crown Castle about this access road. There are issues with the access road. The "S" curve is not appropriate for the type of equipment that Crown Castle needs. The road could use maintenance. All of this was explained. Any improvements to these areas is within the 100' of wetlands would need approval from Conservation Commission. Crown Castle says there is a dip in the road. The water clearly flows across the road from one wetland to the other. You can apply to the Conservation Commission to approve this. They agreed to do that. They had a wetland scientist flag the wetlands. Clyde came into the office and asked what the blue flags were for. I stated I'm not sure but probably Crown Castle wetland flags. Shortly after that I was called by Crown Castle and given photos for work done in that area. There was excavation done with a pipe along the access road. **BT** stated I told him to do it. I have concerns about an accident with the 70,000 volt of electricity. They put ruts in the wetlands with their trucks.

SA and **JP** stated a site walk is needed.

JP motioned to ratify the enforcement order for 95R Lafayette Road. Seconded by **JKP**. All members present voted in favor. **Motion Passed.**

COMMISSIONERS COMMENT:

JKP motioned to go to adjourn at 10:10 pm. **DA** seconded the motion. All members present voted in favor. **Motion Passed.**